

REMARKS

Claims 1-20 are pending. All claims 1-20 are believed to be allowable over the references cited by the Examiner as discussed below. Accordingly, a Notice of Allowance for the present application is respectfully requested.

Rejection of Claims Under 35 U.S.C. §103(a)

Claims 1, 2, 4, 5-10, and 12-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pallai in view of Deslauriers.

Independent claim 1 generally recites a headset having an audio receiver, a headset body, a microphone, and a flexible voice tube that defines a lumen. The flexible voice tube is bendable into a curvilinear operative shape and position while *preventing kinking and retains the curvilinear operative shape and position* throughout its operative use until further adjustment. The lumen generally extends between an open end of the flexible voice tube to the microphone.

Independent claim 8 similarly recites a voice tube having a *kink-resistant* flexible tubular member, configured to be bendable into a curvilinear operative shape that is generally retained throughout its operative use until further adjustment is made. Independent claim 15 also generally recites a headset having an acoustic transmission means for acoustic transmission via a lumen, the acoustic transmission means being *kink resistant*, adjustable into a curvilinear operative shape, and generally retaining the curvilinear operative shape until further adjustment is made.

In contrast, while Pallai discloses a metal coil spring 101 to form a hollow voice tube (FIGS. 7-10; [0032]). However, as noted by the Examiner, Pallai does not teach preventing kinking of the flexible voice tube.

The Examiner relies on Deslauriers disclosing a kink resistant acoustic conduit for use with a stethoscope. However, Deslauriers' kink resistance is provided by the property of self-straightening. In particular, Deslauriers states "the use of compression springs for inner tubes 253 provides the additional advantage of acting to straighten tube 25 when in use thereby helping to prevent kinks that may interfere with sound transmission through tube 25." (Col. 9, lines 6-10). See also col. 1, lines 58-60: an "object of the invention is to provide an acoustic conduit having a structure that promotes self straightening and decreases the likelihood of the conduit kinking" and col. 4, lines 23-26: "This conduit also maximizes external noise isolation and promotes *self straightening and anti-kinking kinking properties*."

As is evident, incorporating Deslauriers' kink resistance in Pallai would result in a tubular member that not only is not conducive to retaining its curvilinear operative shape but also would act to self-straighten out of any curvilinear operative shape that a user attempt to form. This is in contrast to the claimed inventions which generally recite that the flexible voice tube is bendable into a curvilinear operative shape and position while preventing kinking and generally retains its curvilinear operative shape and position throughout its operative use until further adjustment.

Withdrawal of the rejection of independent claims 1, 8, and 15 as well as claims 2, 4, 5-7, 9, 10, 12-14, and 16-20 dependent variously therefrom, under 35 U.S.C. §103(a) is respectfully requested.

Claims 3 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pallai in view of Deslauriers and further in view of Sawada.

However, the addition of the Sawada does not make up for the deficiencies of Pallai in view of Deslauriers as discussed above. Thus, claims 3 and 11 are also believed to be allowable for at least similar reasons as those discussed above. Withdrawal of the rejection of claims 3 and 11 under 35 U.S.C. §103(a) is respectfully requested.

CONCLUSION

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

In the unlikely event that the transmittal letter accompanying this document is separated from this document and the Patent Office determines that an Extension of Time under 37 CFR 1.136 and/or any other relief is required, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the Commissioner to charge

the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-2315 (Order No. 01-7119).

Respectfully submitted,



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